

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

New York City District Council of Carpenters Pension Fund, New York City District Council of Carpenters Welfare Fund, New York City District Council of Carpenters Annuity Fund, and New York City District Council of Carpenters Apprenticeship, Journeyman Retraining, Educational and Industry Fund, by their Trustees, Frank Spencer, Douglas J. McCarron, John Ballantyne, Paul Tyznar, Paul O'Brien, Kevin M. O'Callaghan, Catherine Condon, David Meberg, Bryan Winter, and John DeLollis,

11 CV 5474 (LAP) (GWG)

Plaintiffs,

- against -

Michael Forde, John Greaney, Joseph Olivieri, Brian Hayes, Michael Mitchell, Finbar O'Neill, K.A.F.C.I., Michael Brennan, Turbo Enterprises, Inc., Terence Buckley, Pitcohn Construction Enterprises, Inc., Gerard McEntee, Pyramid Associates Construction Corp., James Duffy, EMB Contracting Corp., Michael Batalias, Elisavet Batalias, Matthew Kelleher, Brian Carson, Joseph Ruocco, John Stamberger, and Michael Vivenzio,

Defendants.

**AMENDED FINAL JUDGMENT AGAINST MICHAEL FORDE**

For the reasons stated in the Report and Recommendation dated June 1, 2018, and the Orders dated September 26, 2018, and March 20, 2019,

IT IS ORDERED AND ADJUDGED that:

1. Judgment is entered in favor of the New York City District Council of Carpenters Pension Fund, New York City District Council of Carpenters Welfare Fund, New York City District Council of Carpenters Annuity Fund, and New York City District Council of Carpenters Apprenticeship, Journeyman Retraining, Educational and Industry Fund, by their Trustees, Frank Spencer, Douglas J. McCarron, John Ballantyne, Paul Tyznar, Paul O'Brien, Kevin M. O'Callaghan,

Catherine Condon, David Meberg, Bryan Winter, and John DeLollis (collectively, the “Funds”) against Michael Forde, pursuant to the Racketeer Influenced and Corrupt Organizations Act of 1970 (“RICO”), 18 U.S.C. §§ 1961-1968, in the amount of **\$12,635,438.11**, representing gross compensatory damages in the amount of \$4,973,259, multiplied by three (resulting in gross treble damages of \$14,919,777), less credits of \$2,284,338.89.

2. Judgment is entered in favor of the Funds against Michael Forde, pursuant to the Employee Retirement Income Security Act of 1974, as amended (“ERISA”), 29 U.S.C. §§ 1001-1461, in the amount of **\$2,688,920.11**, representing gross compensatory damages in the amount of \$4,973,259 less credits of \$2,284,338.89.

3. The RICO and ERISA components of this Judgment shall run concurrently.

4. Pursuant to 29 U.S.C. § 1056(d)(4), the Funds are entitled to offset the pension and annuity benefits of Michael Forde against the ERISA component of this Judgment.

5. This Judgment does not resolve: (a) the Funds’ pending claims in the above-captioned proceedings against Joseph Olivieri, or (b) any party’s claims in the pending interpleader action styled *Prudential Investment Management Services, LLC, et al. v. Michael J. Forde, et al.*, 12 CV 5168 (LAP) (GWG).

6. Except as otherwise stated in this Judgment, all claims by and against all parties to the above-captioned proceedings are dismissed with prejudice.

7. Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Court expressly determines that there is no just reason for delay, and expressly directs entry of final judgment.

Dated: New York, New York  
\_\_\_\_\_, 2019

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UNITED STATES DISTRICT JUDGE